

REMARKS

Further to our earlier restriction election without traverse, claims 1-5 and 14-22 have been canceled.

Claims 6-13 remain pending in the application and stand presently rejected.

Applicants have carefully studied the present action and thank Examiner Smith for his earlier assistance and patience in this matter.

No new matter has been added.

1. REJECTION OF CLAIM 13 UNDER 35 U.S.C. §112

Claim 13 presently stands rejected as indefinite for lacking an antecedent basis for "said wing member." Applicants have amended claim 13 to properly depend from claim 12 and propose that this amendment has overcome the present rejection. No material change has been made to the claim. The instant amendment merely corrects a typographical error.

Applicants respectfully request consideration and removal of the present rejection and propose that claim 13 stands in condition for allowance. Notice to that effect is earnestly solicited.

2. REJECTION OF CLAIMS 6-13 UNDER 35 U.S.C. §102(b)

Claims 6-13 stand present rejected as anticipated by Applicants prior patents, identified as '218, '561, and '106. Taking this position, the Examiner necessarily asserts that the effective date of the matter in the instant application as claimed is the instant filing date (September 29, 2003), which was disclosed more than one year prior. Applicants respectfully suggest that the effective date of the claimed matter in the instant application, namely that matter covered by claims 6-13 is much earlier (as noted in the references below) and that a continuous chain of priority exists linking the present application and consequently precluding the instant rejection.

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Applicants also respectfully suggest that in examining the claims and making the present rejection the Examiner tacitly admits that no other references exist that anticipate or render obvious claims 6-13.

As an aside, Applicants note that the Filing Receipt is in error and did not correctly capture the priority claims in the Declaration initially submitted, and as amended herein. Applicants submit a substitute Declaration and replacement Application data Sheet. Applicants request issuance of a corrected Filing Receipt.

In responding to the specific anticipation rejection of record, Applicants address each relied-on Anderson patent.

(A) US Pat. No. 6,318,218, filed August 1, 1997.

As noted on the Declaration initially filed and as submitted herein, the present application contains an unbroken and timely claim of priority to the earliest effective date of the '218 patent and the contents therein, and is jointly owned by the same inventors. Applicants respectfully draw the Examiner's attention to the Figures in the '218 patent, namely Figs. 20-22, wherein the subject matter of the instant claims is fully disclosed.

Applicants draw the Examiner's attention to the enclosed Application Data Sheet outlining the lengthy priority history including claims direct to the '218.

The '218 patent, filed August 1, 1997, provided the first disclosure of the specifically claimed pliers embodiments. The '218 disclosure predates both the '561 and '106 patents. As noted on the face of both the '561 and the '106 patents, each claims priority to US App. No. 08/904,666. US App. No. 08/904,666 issued as the parent '218 patent.

Applicants claim priority to the '218 patent through the '106 patent and US App. No. 09/901,305 filed 7/9/01 and currently pending.

Applicants have perfected the priority claim to the '218 patent. This obviates the relied upon Anderson patents '218, '106, and '561.

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(B) US Pat. No. 6,119,561, January 26, 1999.

As noted on the Declaration initially filed and as amended herein, the present application contains a claim of priority to US App. No. 08/904,666 (the '218 patent). The disclosure in the '561 patent originates in US App. No. 08/904,666. As a consequence, the instant priority claim timely perfects Applicants priority claim sufficient to overcome the '561 patent. Applicants respectfully draw the Examiner's attention to the Figures in the '561 patent wherein the subject matter of the instant claims is fully disclosed as Figs. 20-22 (the same Figs. in the parent '218 patent).

(C) US Pat. No. 6,257,106, filed January 26, 1999.

Similar to the argument above, Applicants point out that the Declaration initially filed and as amended herein, contains a timely claim of priority to the earliest effective filing date of the '218 patent. The '106 patent disclosure originates in the '218 patent. As a consequence, the '106 patent cannot anticipate the present claims. Applicants draw the Examiner's attention to the Figures 20-22 in the '106 patent.

Applicant provides copies of each patent herein in support of the above, and suggest that the instant claims were earlier disclosed as shown in the particular references when viewed in combination with their drawings.

Applicants have additionally provided a revised Data Sheet clearly showing the chain of claim of priority, and request that Examiner enter this substitute Data Sheet and the Declaration in the record.

It is respectfully submitted that by for aforementioned reasons, the instant rejection has been overcome, and having clarified the record, Applicants respectfully propose that the claims and the present application stand allowable and earnestly request notice to that effect.

3. REQUEST FOR A CORRECTED FILING RECEIPT

Applicants respectfully request a corrected Filing Receipt, correctly showing the entire clear and timely claim for priority supported by the instant declaration, and revised Application Data Sheet. The present filing receipt contains several minor errors that have been corrected and clarified herein.

4. CONCLUSION

Applicants respectfully propose that they have overcome each and every rejection and possible objection noted in the instant action and that the application stands in condition for allowance.

While no fees are believed due with the instant submission, the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 10-0100.

In light of the expedited examination practice, if Examiner Smith believes that a telephone conference would be of value in placing the application in condition for allowance, or otherwise speeding issuance, please call the undersigned counsel at the number listed.

An early and favorable action is respectfully solicited.

Dated:

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Respectfully submitted,

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Enclosures: Declaration, Application Data Sheet, Copy of '561, Copy of '218, and Copy of '106
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